

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:16CR213
Plaintiff,)	
)	
vs.)	ORDER
)	
JAMES MANSKE and)	
ALEX PEARSON,)	
)	
Defendants.)	

This matter is before the court on the motions to continue by defendants James Manske (Manske) (Filing No. 24) and Alex Pearson (Pearson) (Filing No. 26). Both defendants seek a ninety-day continuance of the trial scheduled for September 26, 2016. Manske and Pearson have filed affidavits wherein they agree to the motion and understand the time may be excluded under the computations of the Speedy Trial Act (Filing Nos. 25 and 27). Upon consideration, the motions will be granted in part.

IT IS ORDERED:

1. Manske's and Pearson's motions to continue trial (Filing Nos. 24 and 26) are granted, in part, as set forth below.

2. Trial of this matter **as to both defendants** is re-scheduled for **December 12, 2016**, before Judge John M. Gerrard and a jury. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., the time between **August 31, 2016, and December 12, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 31st day of August, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge